

FAX CENTER  
TRANSMITTED#  
AB/  
08/16/95**OFFICIAL**

AUG 16 1995

PATENT

FAX 1-800-1 FWC CIP CONT FWC DIV  
**GROUP 1800**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of :  
Gautvik et al. :  
Serial No. 08/340,664 : Group Art Unit: 1812  
Filed: November 16, 1994 : Examiner: L. Spector  
For: PRODUCTION OF HUMAN PARATHYROID: : Date: August 14, 1995  
HORMONE FROM MICROORGANISMS : X

Assistant Commissioner for Patents  
Washington, D. C. 20231

**COMMUNICATION**

Sir:

The undersigned would like to thank Examiner Spector for courtesies extended by her during a telephone conversation of August 14, 1995, and hereby submits a communication which the Examiner agreed would be helpful in memorializing our prior discussion. During that conversation, the undersigned explained that on April 7, 1995, Examiner Ketter imposed a three-way Restriction Requirement in the above-captioned application. In their response thereto, on June 6, 1995, Applicants responded electing, with traverse, the Group I invention drawn to claims 1-5, 11, 13 and 15.

To continue prosecution on the two groups of non-elected claims, Applicants also filed two divisional

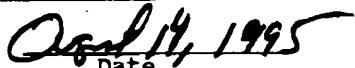
**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent Office on the date shown below.

Michael H. Teschner, Esq.



Signature



Date

To: U.S.P.T.O  
Attn: Examiner L. Spector  
Fax No.: (703)308-0294  
No. of Pages: 3

applications: Serial No. 08/463,222 filed June 5, 1995 claiming the Group II invention and Serial No. 08/461,436 filed June 5, 1995 claiming the Group III invention.

Applicants believed they were filing Rule 60 Divisional applications and had no intention of abandoning this application (Serial No. 340,664). However, due to a typographical error, while the proper forms for a Rule 60 Divisional application were used, those forms incorrectly indicate divisional applications filed pursuant to Rule 62. The error should be readily apparent from a review of the files. For example, Applicants' confirming postcard indicated the enclosure of a Rule 60 divisional application including a copy of the prior application and drawings. Similarly, the form contains provisions to allow for the transfer of drawings, if appropriate, and a verification that the attached papers are true and proper copies of prior applications. No express abandonment was provided in these papers.

One of the aforementioned divisional applications was denied a filing date as being improper under Rule 62(e). However, Serial No. 461,436 was granted a filing date. The granting of that filing date should be withdrawn as violating Rule 62(e) and Applicants will then petition separately to have each of the divisional applications reconsidered as Rule 60 divisional applications. Since the grant of a filing date for the 461,436 application was improper under Rule 62(e) and as Applicants have not expressly abandoned the above-captioned application, the present application should be maintained as pending and prosecution on the merits should continue uninterrupted.

Should the Examiner have any questions with regard to the foregoing, he should feel free to contact the undersigned at 908-654-5000. Similarly, should any fee be due and owing in this regard, the Examiner should charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRMHOLZ & MENTLIK



MICHAEL H. TESCHNER  
Reg. No. 32,862

600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
(908) 654-7866 - Facsimile

F:\SSDOCS\3.0\19682.DOC